ORDINANCE NO. 86-2

AN ORDINANCE of the City of Kent, Washington, relating to Planning and Property rezoning, with conditions, approximately ten acres located between East Valley Highway and the Valley Freeway (SR 167) south of S. 180th Street, from M2, Limited Industrial, to GC, General Commercial. [Home Club Warehouse, Rezone; No. RZ-86-2]

WHEREAS, an application for rezone was filed on April 14, 1986 for the property described on Exhibit A, attached hereto and by this reference incorporated herein; and

WHEREAS, the subject rezone concerns the request by Simchowitz Enterprises to rezone the subject property from M2, Limited Industrial, to GC, General Commercial. The property is located between East Valley Highway and SR 167, approximately 750 feet south of S. 180th Street; and

WHEREAS, a Declaration of Nonsignificance was filed by the Planning Department on April 21, 1986; and

WHEREAS, a public hearing was held before the Hearing Examiner of the City of Kent on July 2, 1986; and

WHEREAS, the Hearing Examiner issued FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER FOR THE CITY OF KENT on July 16, 1986; recommending denial of the requested rezone; and

WHEREAS, the City Council of the City of Kent, Washington did herein consider the applicant's appeal from the FINDINGS AND RECOMMENDATIONS OF THE HEARING EXAMINER FOR THE CITY OF KENT, on August 18, 1986; and

WHEREAS, the City Council, having determined to reject the findings and the conclusions of the Hearing Examiner; and

WHEREAS, it is appropriate to set forth the following findings and conclusions, and to provide for the rezone to GC, General Commercial, with conditions, all as provided herein; NOW THEREFORE
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. FINDINGS. Sections I, II, III, IV, V and VI
of the Kent Planning Agency Staff Report for Hearing Examiner
meeting of June 16, 1986, File No. RZ-86-2 "Home Club Warehouse"
is hereby adopted as the findings and conclusions of the City
Council of the City of Kent.

Section 2. REZONE. The land described on attached
Exhibit A, situated in the City of Kent, County of King, State of
Washington, and presently zoned M2, Limited Industrial, is hereby
rezoned to GC, General Commercial, subject to the conditions set
forth in Section 3 of this Ordinance.

Section 3. CONDITIONS FOR REZONE. This rezone is
subject to and expressly conditioned upon the following:

3.1 Development on the site shall be pursuant to plans
approved by the City in Building Permit No. 14186, issued
April 23, 1986, and landscaping on the site shall be pursuant to
these approved plans. [Incorporates conditions 4, 5 and 8 of
Conditional Use Permit No. CE-85-7].

3.2 The site plan approved with Building Permit No.
14186 shall be revised to include improvements within the parking
area for pedestrian access and safety.

3.3 In addition to those conditions referenced in
Section 3.1 above, conditions 1, 2, 3, 6 and 9 of Conditional Use
Permit No. CE-85-7 are incorporated herein and are hereby made a
part of this rezone approval. Those conditions provide as follows:

A. Comply with environmental mitigation conditions
established in Environmental Checklist No. 85-67 as follows:

1. Construct a two-way left turn lane in
front of the site on East Valley Highway.
2. Any development shall be set back to accommodate future right of way on East Valley Highway, all as described in the Six Year Transportation Improvement Program.

3. An L.I.D. Covenant and Agreement for future street and utility improvements to East Valley Highway shall be executed.

B. Deed the westerly ten feet of the subject property for the future widening and improvement of East Valley Highway to City arterial standards.

C. Construct acceleration/deceleration lanes on East Valley Highway at the access driveway to the proposed development to mitigate potential traffic safety problems or construct half street improvements for a five-lane arterial to City standards for the entire property frontage, including tapers and related appurtenances.

D. Construction of the storm drainage pond shall be done with the least possible amount of disturbance to the natural wetland area. Vegetation disturbed during construction shall be replaced. A plan depicting houses will be accomplished shall be submitted to the Planning Department and Public Works Department for review and approval.

E. Upon future development of the vacant pads, the Planning Department and/or Building Department shall consider pedestrian safety, and require such improvements as are deemed necessary in the discretion of the Planning and/or Building Departments.

3.4 Execute a No-Protest Agreement and Covenant for participation in the 192nd/196th corridor project, all as described in the City of Kent Transportation Plan. This condition is specifically required to mitigate traffic impacts of development resulting from this rezone.
3.5 The use of the warehouse and facility constructed pursuant to Building Permit No. 14186 shall be limited to the sale of products and merchandise for the construction, remodeling, and furnishing of homes, apartments or businesses. Provided, however, that this use condition shall not limit the use of the "future restaurant pads" and such pads may be developed with such uses and under such standards as are generally applicable in the GC zone.

Section 4. The Planning Director of the City of Kent be and he is hereby authorized and directed to indicate upon the comprehensive zoning map of the City of Kent or upon an addendum thereto, the zoning of said property is provided for in Section 2 of this Ordinance.

Section 5. That upon said amendment being shown upon the comprehensive zoning map of the City of Kent, or upon an addendum thereto, that copy of said map or addendum shall be filed with the Director of Records and Elections of King County, Washington and the City Clerk of the City of Kent is hereby authorized and directed to record this Ordinance with the County Auditor of King County and pay the filing fee therefor.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY
PASSED the 2 day of Sept., 1986.

APPROVED the 3 day of Sept., 1986.

PUBLISHED the 5 day of Sept., 1986.

I hereby certify that this is a true copy of Ordinance No. 2653, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SIGNATURE)
MARIE JENSEN, CITY CLERK
The north ten (10) acres of that portion of the south one-half (1/2) of the southeast one-quarter (1/4) of the northwest one-quarter (1/4) of Section 31, Township 23 North, Range 5 East, Willamette Meridian lying easterly of the East Valley Highway as conveyed by instruments recorded under auditor file numbers 1132966 and 1146650: EXCEPT that portion conveyed to the State of Washington for highway purposes by deed recorded under Auditor's file number 5276753 and EXCEPT the east 150.00 feet lying parallel to SR-167: situate in the County of King, State of Washington.